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BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE

7 In the Matter of the Appeal of:

) Hearing Examiner File:  
) MUP-12-016(W)  
)

8 **BRUCE STRUTHERS**  
)

9 from a SEPA decision issued by the Director,  
10 Department of Planning and Development  
11

) MOTION TO QUASH CERTAIN  
) DISCOVERY REQUESTS  
)

12 **I. INTRODUCTION**

13 SPU has proposed to undertake certain work related to Meadowbrook Pond, a constructed  
14 stormwater management facility in North Seattle.<sup>1</sup> On June 14, 2012, DPD made a decision  
15 imposing conditions pursuant to substantive SEPA authority.<sup>2</sup> Appellant appealed the decision to  
16 the Hearing Examiner. On July 10, Appellant transmitted to SPU and DPD a set of interrogatories  
17 and requests for production of documents. A copy of these discovery requests is attached hereto as  
18 Exhibit A for the Examiner's reference.

19 **II. RELIEF REQUESTED**

20 Respondents respectfully request that the Examiner: (1) quash all of Appellant's  
21 Interrogatories; and (2) quash Appellant's Requests for Production 1 and 2.  
22

23 <sup>1</sup> See City of Seattle Analysis and Substantive Conditioning of the Director of the Department of Planning and Development, June 14, 2012 ("Decision"), p. 2, on file with Examiner.

<sup>2</sup> *Id.*

1     **III.    ARGUMENT**

2           The Hearing Examiner's Rules of Practice and Procedure provide that "[i]n response to a  
3 motion, or on the Hearing Examiner's own initiative, the Examiner may prohibit or limit  
4 discovery where the Examiner determines it to be unduly burdensome, harassing, or  
5 unnecessary under the circumstances of the appeal."<sup>3</sup> Under this standard, the Examiner should  
6 limit discovery in this case as follows.

7           **A.     The Examiner should quash all of Appellant's Interrogatories.**

8           Interrogatories 2 and 3

9           Interrogatories 2 and 3 ask Respondents to identify the expert witnesses they expect to  
10 call at the hearing and to describe the subject matter, facts, and opinions to which each expert is  
11 expected to testify and summarize the grounds for each opinion. However, the Examiner has  
12 already issued a Prehearing Order that provides deadlines for the filing of preliminary and final  
13 witness lists that shall include a brief summary of expected testimony.<sup>4</sup> Thus, Interrogatories 2  
14 and 3 are unnecessary and should be quashed.

15          Interrogatories 4 through 20

16          Interrogatories 4 through 20 ask Respondents to answer highly specific, technical  
17 questions about the functioning of Meadowbrook Pond and other facilities. As a threshold  
18 matter, Respondents have no obligation to perform investigations and/or do analysis at the  
19 instigation of an appellant in an administrative appeal. The most that can be asked of  
20 Respondents is that they provide information that they already possess.

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23         <sup>3</sup> See Hearing Examiner Rule 3.11.

<sup>4</sup> See Corrected Prehearing Order, July 19, 2012.

1 As such, Appellant has the right to obtain relevant, nonprivileged documents regarding  
2 the subject of this appeal. Thus, Appellant may propound requests for production seeking  
3 documents that address the subjects of Appellant's interrogatories (to the extent those  
4 documents are subject to disclosure). However, from the standpoint of the burden imposed on  
5 Respondents, there is an enormous difference between the effort required to produce documents  
6 that Respondents possess on a given subject, on one hand, and the effort entailed in responding  
7 to specific technical questions, on the other.

8 It is unduly burdensome to require Respondents to comb through documents to pull out  
9 and "serve up" the specific information that an Appellant seeks; that is the Appellant's job.  
10 Equally important, given the highly technical nature of Appellant's interrogatories, responding  
11 to those interrogatories would require City staff to give detailed review to the documents and  
12 then spend substantial time crafting answers that would include all of the interpretation, caveats,  
13 etc., that would be required to provide an accurate response under oath. There is no reason to  
14 impose such a burden on the City and doing so would be an unreasonable use of limited staff  
15 time, particularly in light of the substantial staff time that will already need to be devoted to  
16 responding to Appellant's requests for production.<sup>5</sup>

17 As such, the Examiner should quash Interrogatories 4 through 20. Appellant may, if he  
18 wishes, then propound supplemental requests for production seeking documents on the subjects  
19 of these interrogatories.<sup>6</sup>

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21 <sup>5</sup> The City notes that many of Appellant's requests for production seek documents that are of highly questionable  
22 relevance to this appeal. Because the City wishes to avoid burdening the Examiner with discovery disputes, the City  
23 has limited the scope of this motion to address only Appellant's interrogatories and the requests for production  
related to those interrogatories. However, by doing so, the City in no way concedes that all of the documents  
requested by Appellant are relevant to this appeal.

<sup>6</sup> Undersigned counsel proposed to Appellant that Appellant withdraw his interrogatories and propound such  
supplemental requests for production, and thereby avoid burdening the Examiner with this motion, but Appellant  
declined to do so.

1        Interrogatory 1

2        Finally, Interrogatory 1 asks Respondents to identify the individuals who possess  
3 information used to respond to the other interrogatories and requests for production. Once the  
4 other interrogatories are quashed, the first part of Interrogatory 1 is unnecessary. The second  
5 part of that interrogatory (which asks the City to identify all persons who possess information  
6 used to respond to Appellant's requests for production) is so vague as to preclude a meaningful  
7 response. In any event, to the extent Appellant is asking Respondents to identify all the people  
8 who, for example, participated in creating or were the source of knowledge contained in various  
9 documents, such a request is both unnecessary and unduly burdensome. In sum, the Examiner  
10 should quash all of Appellant's Interrogatories.

11        **B.        The Examiner should quash Requests for Production 1 and 2.**

12        Similarly, the Examiner should quash Appellant's Requests for Production 1 and 2,  
13 which seek documents used by Respondents in answering Appellant's interrogatories or  
14 referring to or relating to Respondents' answers to the interrogatories. As discussed above,  
15 Appellant's Interrogatories are improper. If Appellant wishes to request documents on the  
16 subjects addressed by the interrogatories, Appellant should propound specific requests for  
17 production that identify the types of documents that Appellant desires, and the City can then  
18 provide such documents to the extent it is obligated to do so.

19        //

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1 **IV. CONCLUSION**

2 For the foregoing reasons, Respondents respectfully request that the Examiner: (1)  
3 quash all of Appellant's Interrogatories; and (2) quash Appellant's Requests for Production 1  
4 and 2.

5 Respectfully submitted this 1<sup>st</sup> day of August, 2012.

6 PETER S. HOLMES  
7 Seattle City Attorney

8 By: s/Jeffrey S. Weber, WSBA #24496  
9 Assistant City Attorney  
10 *Attorneys for Respondents*  
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1 **CERTIFICATE OF SERVICE**

2 I certify that on this date, I electronically filed a copy of Respondents' **Motion to Quash**  
3 **Certain Discovery Requests** with the Seattle Hearing Examiner using its e-filing system.

4 I also certify that on this date, a copy of the same document was sent to the following  
5 party listed below in the manner indicated:

6 R. Bruce Struthers  
7 10514 Riviera Place NE  
8 Seattle, WA 98125  
9 *Appellant*

(X) U.S. First Class Mail, postage prepaid  
(X) Email: bruce.struthers@comcast.net

10 the foregoing being the last known address of the above-named party.

11 Dated this 1st day of August, 2012, at Seattle, Washington.

12   
13 ROSIE LEE HAILEY

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**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

In re: Appeal of Bruce Struthers,  
  
Appellant,  
  
vs.  
  
Seattle Public Utilities and  
Seattle Department of Planning and  
Development  
  
Respondents.

No. MUP-12-016  
  
APPELLANT'S FIRST SET OF  
INTERROGATORIES AND REQUEST  
FOR PRODUCTION TO  
RESPONDANTS

TO: Greg Stevens, Seattle Public Utilities and Lucas Deherrera, Seattle Department of  
Planning and Development;

Appellant propounds the following discovery requests to Respondents pursuant to  
Hearing Examiner Rules of Practice and Procedure 3.11. These discovery requests are to be  
answered separately and fully in writing and under oath within thirty (30) days of the date of  
service.

**INSTRUCTIONS AND DEFINITIONS**

Appellant's Defendant's First Set of Interrogatories and Requests for Production to Plaintiffs and Amended Responses  
Thereto- 1

1 1. The term "you" means Seattle Department of Planning and Development and Seattle  
2 Public Utilities, the respondents, and any person acting under their authority or on their  
3 behalf, including employees, agents, or representatives.

4 2. The "Subject Property" refers to the property located at 3600 NE105th Street in  
5 Seattle, Washington.

6 3. "Meadowbrook Pond" refers to all structures that comprise the Meadowbrook  
7 Detention Pond at 3600 NE 105<sup>th</sup> Street in Seattle, Washington.

8 4. The term "storm water diversion system" is the continuous aggregate of structures  
9 beginning with:

- 11 a. the diversion inlet at Thornton Creek directly west of Meadowbrook Pond,
- 12 b. the 72" concrete pipeline running under Meadowbrook Pond
- 13 c. the overflow manhole at the northeastern cell of Meadowbrook Pond,
- 14 d. the diversion structure at the eastern end of the 72" concrete pipeline under
- 15 NE 104<sup>th</sup> Place near the intersection of 44<sup>th</sup> Avenue NE
- 16 e. the 96" Sand Point Tunnel running from NE 104<sup>th</sup> Place to Riviera Place NE,
- 17 f. the diversion structure between the Burke Gilman Trail and Riviera Place NE
- 18 between 10514 and 10544 Riviera Place NE,
- 19 g. the 42" and 48" concrete pipelines running under Riviera Place NE and King
- 20 County parcel 7352200170,
- 21 h. the Meadowbrook Outfall and,
- 22 i. The 42" and 48" ductile iron pipes in Lake Washington at the Meadowbrook
- 23 Outfall.
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1           5.       The term "hydraulic residence time" is the length of time storm water runoff remains  
2 in a storm water detention pond.

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4           6.       The terms "document" or "documents" as used herein, are used in the broadest  
5 possible sense and include, without limitation, not only matter set down on paper but also all  
6 responsive matter stored in computers or computer memory and any responsive matter fixed  
7 in any tangible means of expression, *i.e.* any tangible matter or any medium upon which  
8 information, thoughts or intelligence are recorded or from which they can be retrieved. This  
9 includes but is not limited to all written or graphic matter, formal or informal, however  
10 created or reproduced, in the possession, custody, care or control of respondents or any of its  
11 representatives including, but not limited to:

12           a.       Papers, books, journals, ledgers, statements, purchase or sale confirmations,  
13 statement of accounts, memoranda, prospectuses, reports, invoices, work papers,  
14 notes, transcriptions of notes, letters, correspondence, checks, graphic representations,  
15 films, photographs, diaries, calendars, desk calendars, pocket calendars, lists, logs,  
16 publications, advertisements, messages, summaries, agreements, contracts,  
17 telegraphs, telexes, transcriptions of tapes or records, and any other writings or  
18 tangible things on which any handwriting, typing printing, photostatic or other forms  
19 of communications or information recorded or reproduced, as well as all notations on  
20 or pertaining to the foregoing;

21           b.       Originals and all other copies not absolutely identical to said originals;  
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1 c. All drafts and notes (whether typed, handwritten or otherwise) made or  
2 prepared in connection with such documents, whether used or not; and

3 d. All digital data or information or other information, including any e-mails,  
4 information within computer applications such as Microsoft Word, Notepad, Excel or  
5 PowerPoint, information maintained on computer disks or databases, computer tapes,  
6 disks, computer memory, RAM, optical disks, CD-ROM, DVD or any other  
7 computer, portable media or device, or non-paper means.  
8

9 7. To the full extent that any information responsive to these requests is stored in any  
10 computer, hard drive, DVD, CD-ROM, computer tapes, computer disks, computer memory,  
11 portable media or device, or any digital media, then the information should be produced in  
12 the native format in which it is stored.  
13

14 8. "Person" means any natural person, marital community, partnership, corporation,  
15 joint venture, business entity or government entity.

16 9. "Identify," when used with respect to a person, means to state with respect to each  
17 such person:

18 a. Name;

19 b. Last-known residence address;

20 c. Occupation, employer and business address at the date of the event or  
21 transaction to which the discovery request refers; and  
22

23 d. Present occupation, employer and business address, and identification of any  
24 subdivision or group of an employer in which the person is employed.  
25

1 10. As used in these discovery requests, the singular includes the plural and vice versa.  
2 The masculine includes the feminine and neuter genders. The past tense includes the present  
3 tense where the clear meaning is not distorted by change of tense.

4 11. With respect to the requests for production of documents below, produce for  
5 examination and copying all of the requested documents and other tangible things described  
6 which are within your possession, custody or control, at 10514 Riviera Place NE, Seattle,  
7 WA 98125, within thirty (30) days of the date of service of these discovery requests.

8 12. If you object to answering any of these discovery requests, or withhold documents  
9 from production in response to these requests, in whole or in part, state your objections  
10 and/or reasons for not responding and state all factual and legal justifications that you believe  
11 support your objection or failure to answer or to produce. If you object to answering only  
12 part of a discovery request, specify the part to which you object and respond to the  
13 remainder.  
14

15 13. If you deem any request to call for privileged information or documents and assert  
16 such privilege so as to avoid divulging such information or producing such documents,  
17 provide a list with respect to each item of information or each document so withheld, stating:  
18

- 19 a. Description of allegedly privileged communication or document withheld;
- 20 b. Persons present during or participating in the allegedly privileged  
21 communication or the author(s) and recipient(s) of the document withheld;
- 22 c. Date of allegedly privileged communication or document withheld;
- 23 d. Subject matter of allegedly privileged communication or the document  
24 withheld;  
25

- 1 e. Type of document withheld (e.g., letter, memorandum or computer database);  
2 f. Nature of privilege(s) claimed; and  
3 g. The discovery requests to which the allegedly privileged communication or  
4 document relates.

5 14. Please seasonably and promptly supplement your responses to all of these discovery  
6 requests as this action continues, to the full extent required by Hearing Examiner Rules of  
7 Practice and Procedure Rule 3.11.  
8

9 **INTERROGATORIES**

10 **INTERROGATORY NO. 1:** Please identify all individuals or entities who possess  
11 information used in any manner to respond to these interrogatories and requests for  
12 production, and for each such person or entity, identify the interrogatory(ies) or request(s) as  
13 to which the individual or entity possesses information.  
14

15 **ANSWER:**  
16

17 **INTERROGATORY NO. 2:** Please identify each person whom you expect to call  
18 as an expert witness at the hearing.

19 **ANSWER:**  
20

21 **INTERROGATORY NO. 3:** Please describe in detail the subject matter, facts, and  
22 opinions as to which each expert is expected to testify, and summarize the grounds for each  
23 opinion.  
24

25 **ANSWER:**  
26

1                   **INTERROGATORY NO. 4:** What is the design Hydraulic Residence Time for  
2 runoff that enters the existing Meadowbrook Pond?  
3

4                   **ANSWER:**  
5

6                   **INTERROGATORY NO. 5:** What is the design Hydraulic Residence Time for  
7 runoff that enters the proposed improved Meadowbrook Pond?  
8

9                   **ANSWER:**  
10

11                   **INTERROGATORY NO. 6:** What is the permeability of the soils samples  
12 retrieved on February 10, 2012 in the coring locations specified by Mike Hrachovec of  
13 Natural Systems Design documented in the Meadowbrook Pond Sediment Characterization  
14 memorandum prepared by Taryn Sass and Grant Davenport of SPU Geotechnical  
15 Engineering for Greg Stevens on March 15, 2012?  
16

17                   **ANSWER:**  
18  
19

20                   **INTERROGATORY NO. 7:** What is the Relative Risk Score calculated between  
21 January 1, 1997 and June 28, 2012 by Seattle Public Utilities Repair, Rehabilitation and  
22 Replacement (3R) Tool for the Meadowbrook Pond and all assets that comprise the attached  
23 storm water diversion system?  
24

25                   **ANSWER:**  
26

1  
2           **INTERROGATORY NO. 8:** What are the minimum, maximum and average  
3 temperatures of water from Thornton Creek entering each inlet to Meadowbrook Pond  
4 between January 1, 1997 and June 28, 2012?  
5

6           **ANSWER:**  
7

8           **INTERROGATORY NO. 9:** What are the minimum, maximum and average  
9 temperatures of detained water from each outlet of Meadowbrook Pond re-entering Thornton  
10 Creek between January 1, 1997 and June 28, 2012?  
11

12           **ANSWER:**  
13

14           **INTERROGATORY NO. 10:** What are the minimum, maximum and average  
15 temperatures of water entering Lake Washington from the outlet of each pipe of the  
16 Meadowbrook Outfall between January 1, 1997 and June 28, 2012?  
17

18           **ANSWER:**  
19

20           **INTERROGATORY NO. 11:** What are the minimum, maximum and average pH  
21 levels of water from Thornton Creek entering each inlet to Meadowbrook Pond between  
22 January 1, 1997 and June 28, 2012?  
23

24           **ANSWER:**  
25

1  
2 **INTERROGATORY NO. 12:** What are the minimum, maximum and average pH  
3 levels of detained water from each outlet of Meadowbrook Pond re-entering Thornton Creek  
4 between January 1, 1997 and June 28, 2012?  
5

6 **ANSWER:**  
7

8 **INTERROGATORY NO. 13:** What are the minimum, maximum and average pH  
9 levels of water entering Lake Washington at the outlet of each pipe of the Meadowbrook  
10 Outfall between January 1, 1997 and June 28, 2012?  
11

12 **ANSWER:**  
13

14 **INTERROGATORY NO. 14:** What are the minimum, maximum and average flow  
15 rates of water from Thornton Creek entering each inlet to Meadowbrook Pond between  
16 January 1, 1997 and June 28, 2012?  
17

18 **ANSWER:**  
19

20 **INTERROGATORY NO. 15:** What are the minimum, maximum and average flow  
21 rates of detained water from each outlet of Meadowbrook Pond re-entering Thornton Creek  
22 between January 1, 1997 and June 28, 2012?  
23  
24

25 **ANSWER:**  
26

1  
2 **INTERROGATORY NO. 16:** What are the minimum, maximum and average flow  
3 rates of water at the outlet of each pipe at the Meadowbrook Outfall entering Lake  
4 Washington between January 1, 1997 and June 28, 2012?  
5

6 **ANSWER:**  
7

8 **INTERROGATORY NO. 17:** What are the minimum, maximum and average  
9 turbidity measures of water from Thornton Creek entering each inlet to Meadowbrook Pond  
10 between January 1, 1997 and June 28, 2012?  
11

12 **ANSWER:**  
13

14 **INTERROGATORY NO. 18:** What are the minimum, maximum and average  
15 turbidity measures of detained water from each outlet of Meadowbrook Pond re-entering  
16 Thornton Creek between January 1, 1997 and June 28, 2012?  
17

18 **ANSWER:**  
19

20 **INTERROGATORY NO. 19:** What are the minimum, maximum and average  
21 turbidity measures of water at the outlet of each pipe at the Meadowbrook Outfall entering  
22 Lake Washington between January 1, 1997 and June 28, 2012?  
23  
24

25 **ANSWER:**  
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1           **INTERROGATORY NO. 20:** Who took the measurements provided in response to  
2 interrogatories 8-19 and when were these measurements taken?

3  
4           **ANSWER:**

5  
6                           **REQUESTS FOR PRODUCTION**

7  
8           **REQUEST FOR PRODUCTION NO. 1:** Please produce any and all documents or  
9 items that you referred to, relied upon, reviewed, identified or described in answering any of  
10 the interrogatories above.  
11

12           **RESPONSE:**

13           **REQUEST FOR PRODUCTION NO. 2:** Please produce any and all documents or  
14 items that refer or relate in any way to any of your answers to any of the interrogatories  
15 above.  
16

17           **RESPONSE:**

18           **REQUEST FOR PRODUCTION NO. 3:** Please produce all electronic mail  
19 correspondence on the topic of the Meadowbrook Forebay Sediment Removal Project, Creek  
20 and Pond Project, Meadowbrook Pond Dredging and Improvements Project, Thornton Creek  
21 Confluence and Meadowbrook Improvement Project or Thornton Creek Confluence Project  
22 between any Seattle Public Utilities employee involved in these projects and Ginger Holser  
23  
24  
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1 of Washington Department of Fisheries and Wildlife, between January 1, 2007 and June 28,  
2 2012.

3 **RESPONSE:**

4  
5 **REQUEST FOR PRODUCTION NO. 4:** Please produce all electronic mail  
6 correspondence on the topic of the Meadowbrook Forebay Sediment Removal Project, Creek  
7 and Pond Project, Meadowbrook Pond Dredging and Improvements Project, Thornton Creek  
8 Confluence and Meadowbrook Improvement Project or Thornton Creek Confluence Project  
9 between any Seattle Public Utilities employee involved in these projects and Jim Muck of  
10 Washington Department of Fisheries and Wildlife, between January 1, 2007 and June 28,  
11 2012.  
12

13 **RESPONSE:**

14  
15 **REQUEST FOR PRODUCTION NO. 5:** Please produce all electronic mail  
16 correspondence on the topic of the Meadowbrook Forebay Sediment Removal Project, Creek  
17 and Pond Project, Meadowbrook Pond Dredging and Improvements Project, Thornton Creek  
18 Confluence and Meadowbrook Improvement Project or Thornton Creek Confluence Project  
19 between any Seattle Public Utilities employee involved in these projects and Jacalen Printz  
20 of the United State Army Corps of Engineers between January 1, 2007 and June 28, 2012.  
21

22 **RESPONSE:**

1           **REQUEST FOR PRODUCTION NO. 6:** Please produce any and all documents,  
2 including CCTV video, that pertain to maintenance of the storm water diversion system  
3 between January 1, 1997 and June 28, 2012.

4  
5           **RESPONSE:**  
6

7           **REQUEST FOR PRODUCTION NO. 7:** Please produce any and all documents,  
8 including CCTV video, that pertain to line cleaning and inspection of the storm water  
9 diversion system at Meadowbrook Pond between January 1, 1997 and June 28, 2012.

10  
11          **RESPONSE:**  
12

13          **REQUEST FOR PRODUCTION NO. 8:** Please produce any and all documents  
14 that present or rely upon measurements of Hydraulic Residence Time of runoff entering  
15 Meadowbrook Pond from January 1, 1997 to June 28, 2012.

16  
17          **RESPONSE:**  
18

19          **REQUEST FOR PRODUCTION NO. 9:** Please produce any and all maintenance  
20 plans and schedules for the Meadowbrook Pond from January 1, 1997 to June 28, 2012.

21  
22          **RESPONSE:**  
23

24          **REQUEST FOR PRODUCTION NO. 10:** Please produce any and all maintenance  
25 plans and schedules for the proposed improved Meadowbrook Pond after completion of the  
26 Meadowbrook Outfall Dredging and Improvements Project.

1           **RESPONSE:**

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3           **REQUEST FOR PRODUCTION NO. 11:** Please produce any and all maintenance  
4 plans and schedules for the storm water diversion system after June 28, 2012.

5           **RESPONSE:**

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8           **REQUEST FOR PRODUCTION NO. 12:** Please provide all documents, including  
9 Project Development Plans, presented to the Asset Management Committee of Seattle Public  
10 Utilities between January 1, 1997 and June 28, 2012 for the Meadowbrook Forebay Sediment  
11 Removal Project, Creek and Pond Project, Meadowbrook Pond Dredging and Improvements  
12 Project, Thornton Creek Confluence and Meadowbrook Improvement Project or Thornton  
13 Creek Confluence Project, and any other proposed capital improvement project on or  
14 between King County parcels 2726049129 at 3600 NE 105<sup>th</sup> Street, 7710200700 at 9718 44<sup>th</sup>  
15 Avenue NE and 7352200170 at 10520 Riviera Place NE.  
16

17           **RESPONSE:**

18  
19           **REQUEST FOR PRODUCTION NO. 13:** Please produce any and all documents  
20 that comprise, refer or relate to any expert witness' opinions and testimony, including but not  
21 limited to documents provided to those experts, any documents or materials received from  
22 any of those experts, any analysis or testing performed by any of those experts, any report  
23 prepared by any of those experts, any notes, memoranda or other related writings prepared by  
24  
25

1 or for any of those experts, the complete copy of the file or files of any such experts, and any  
2 other documents relied upon or referred to by any of those experts.

3 **RESPONSE:**

4  
5 **REQUEST FOR PRODUCTION NO. 14:** Please provide all versions of all Project  
6 Development Plans for any storm water treatment facilities proposed between January 1,  
7 1997 and June 28, 2012 to treat storm water runoff within the Thornton Creek watershed.  
8

9 **RESPONSE:**

10  
11 **REQUEST FOR PRODUCTION NO. 15:** Please produce all electronic mail  
12 correspondence on the topic of the Meadowbrook Forebay Sediment Removal Project, Creek  
13 and Pond Project, Meadowbrook Pond Dredging and Improvements Project, Thornton Creek  
14 Confluence and Meadowbrook Improvement Project or Thornton Creek Confluence Project  
15 between any Seattle Public Utilities employee involved in the Meadowbrook Forebay  
16 Sediment Manipulation (2008 Summer Sediment Removal Project) sent between January 1,  
17 2007 and June 28, 2012.  
18  
19

20 **RESPONSE:**

21  
22 **REQUEST FOR PRODUCTION NO. 16:** Please provide all records of all spill  
23 responses, water quality investigations and resulting enforcement actions by Seattle Public  
24  
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1 Utilities' Source Control program for the Meadowbrook Pond or attached storm water  
2 diversion system between January 1, 1997 and June 28, 2012.

3 **RESPONSE:**  
4

5 **REQUEST FOR PRODUCTION NO. 17:** Please provide all risk assessments  
6 performed by Seattle Public Utilities' Capacity, Management, Operation and Maintenance  
7 (CMOM) program for the Meadowbrook Pond and attached storm water diversion system  
8 between January 1, 1997 and June 28, 2012.  
9

10 **RESPONSE:**  
11

12 **REQUEST FOR PRODUCTION NO. 18:** Please produce all "lessons learned"  
13 documents produced for the all capital improvement projects completed between January 1,  
14 1997 and June 28, 2012 for Meadowbrook Pond and the Meadowbrook Outfall.  
15

16 **RESPONSE:**  
17

18 **REQUEST FOR PRODUCTION NO. 19:** Please produce all comments and  
19 questions submitted from the public between January 1, 1997 and June 28, 2012 to Greg  
20 Stevens, Project Manager, relating to the Meadowbrook Forebay Sediment Removal Project,  
21 Creek and Pond Project, Meadowbrook Pond Dredging and Improvements Project, Thornton  
22 Creek Confluence and Meadowbrook Improvement Project or Thornton Creek Confluence  
23 Project.  
24

25 **RESPONSE:**  
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2           **REQUEST FOR PRODUCTION NO. 20:** Please produce all responses from any  
3 Seattle Public Utilities employees to the comments and questions submitted from the public  
4 that are responsive to request for production 19.

5           **RESPONSE:**

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7  
8           **REQUEST FOR PRODUCTION NO. 21:** Please provide the all documents used to  
9 prepare the Meadowbrook Pond Detention Facility Dredging and Improvement Project SEPA  
10 Environmental Checklist, including:

- 11  
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21       f. Booth, Derek. 2008. Meadowbrook Pond conceptual analysis for sediment-related  
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23       g. Eastberg, Cheryl (City of Seattle Department of Parks and Recreation). No date.  
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25       h. Northwest Archaeological Associates (NWAA). May 2011. Cultural resources  
26       assessment for the Thornton Creek Confluence Project, King County, Washington.  
      i. Seattle Public Utilities. 2010. Seattle Biological Evaluation.  
      j. Symbiosis Tree Care. 2011. Hazard and exceptional tree evaluation.

- 1 k. Jacobs, Dave (SPU Separated Systems Modeling and Monitoring Lead). December  
2 13, 2011. Results of modeling for Meadowbrook Pond expansion. Email to Greg  
3 Stevens.
- 4 l. Natural Systems Design. June 2011. Basis of Design, Thornton Creek Confluence  
5 Project.
- 6 m. Chapin, David. June 2011. Thornton Creek Confluence Project jurisdictional  
7 wetland Identification and delineation report. Seattle Public Utilities.
- 8 n. Aspect Consulting. June 2011. Thornton Confluence geotechnical report. SPU  
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10 Northeast culvert replacement.


11 **RESPONSE:**

12 **REQUEST FOR PRODUCTION NO. 22:** Please provide the all documents  
13 provided by applicant Seattle Public Utilities on file with respondent Seattle Department of  
14 Planning and Land Use for the DPD project 3013236 and related permits 6314005 and  
15 6320066:

16 **RESPONSE:**

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20 DATED this 10<sup>th</sup> day of July, 2012.

21  
22 By: \_\_\_\_\_

  
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